

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: ILLINOIS STATE POLICE

PART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

1230.10 Definitions

[1230.15](#) [Definitions for Section 1230.75](#)

1230.20 Application Procedures

[1230.25](#) [Electronic Communication](#)

1230.30 Duration, ~~and~~ Renewal, [and Expiration of FOID](#) ~~of Identification~~ Card

1230.40 Sponsorship of a Minor

1230.45 Firearm Serial Number System to Identify Firearms Reported Stolen

1230.50 Return of FOID Card – Applicant

1230.60 Return of Revoked FOID Card – Other

1230.70 [Record Challenge](#) ~~Appeal~~

[1230.75](#) [Request for Relief](#)

1230.80 Judicial Review (Repealed)

1230.90 Certification (Repealed)

1230.100 Reduction of Remittance (Repealed)

1230.110 Retention of Remittance

1230.120 Clear and Present Danger Reporting

1230.EXHIBIT A Application for Firearm Owner's Identification Card (Form FOID-1.2)
(Repealed)

1230.EXHIBIT B Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owners Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 38 Ill. Reg. 2301, effective December 31, 2013; emergency amendment at 44 Ill. Reg. 6166, effective April 6, 2020, for a maximum of 150 days; emergency expired September 2, 2020; emergency amendment at 44 Ill. Reg. 15819, effective September 3, 2020, for a maximum of 150 days; emergency expired January 30, 2021; emergency amendment at 45 Ill. Reg. 2763, effective February 19, 2021, for a maximum of 150 days; emergency expired July 18, 2021; amended at 45 Ill. Reg. 11201, effective August 30, 2021; amended at 46 Ill. Reg. 1057, effective December 21, 2021; amended at 46 Ill. Reg. 6798,

effective April 12, 2022; emergency amendment at 46 Ill. Reg. 13553, effective July 15, 2022, for a maximum of 150 days; amended at 47 Ill. Reg. _____, effective _____.

Section 1230.10 Definitions

Terms defined in the Firearm ~~Owners~~~~Owner's~~ Identification Card Act [430 ILCS 65/1.1] have the same meanings when used in this Part. The following additional definitions also apply to this Part, with the exception of Section 1230.75, unless the context clearly requires a different meaning:

"Act" means Firearm ~~Owners~~~~Owner's~~ Identification Card Act [430 ILCS 65].

"Active" means the Firearm Owner's Identification Card is active in the online FOID/CCL system and valid for purposes of acquiring and possessing firearms and firearms ammunition.

"Antique firearm" shall have the meaning ascribed to it in 18 U.S.C.~~USC~~ 921(a)(16), i.e.:

any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

any replica of any firearm described in the previous paragraph if the replica:

is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of these.

"Applicant" means a person who has submitted an application for a Firearm

Owner's Identification Card.

"Criminal Justice System Employee" includes law enforcement officials, courts, State's Attorneys, probation officers, parole officers, and federal law enforcement officials.

"Department" means the Illinois State Police.

"Designator" means an indication printed on the face of a FOID Card that the card holder has been issued an FCCL.

"Director" means the Director of the Illinois State Police or the Director's designee.

"FCCL" means Firearm Concealed Carry License pursuant to the Firearm Concealed Carry Act [430 ILCS 66], which may be indicated as a Designator printed on the face of a FOID Card.

"Felony Indictment" shall mean an indictment for a crime punishable by imprisonment for a term exceeding one year pursuant to 18 U.S.C. 922(d)(1) and (n).

"FOID Card" means the Firearm Owner's Identification Card as defined in Section 6 of the Act, which may include an FCCL Designator printed on the face of the card.

"Law enforcement officer" means an employee of a government agency who:

- is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

- has statutory powers of arrest or custodial detention;

- is authorized by the agency to carry a firearm while on duty;

- is not the subject of any disciplinary action by the employing agency that could result in termination;

- meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

- is not prohibited by federal law from possessing a firearm.

"Law enforcement official", for purposes of clear and present danger reporting, means any peace officer, warden, superintendent or keeper of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

"Online FOID/FCCL System" means the Department's applicant and person-to-person portal which allows a person to apply for a FOID Card or FCCL and access their FOID Card/FCCL dashboard, as well as determine whether the applicant's FOID or another person's FOID Card is valid and active where permitted by law.

"Out-of-state resident" means a person who does not qualify for an Illinois driver's license or an Illinois State identification card due to his or her establishment of a primary domicile in another state.

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986 [750 ILCS 60], stalking no contact orders issued under the Stalking No Contact Order Act [740 ILCS 21], civil no contact orders issued under the Civil No Contact Order Act [740 ILCS 22], and firearms restraining orders issued under the Firearms Restraining Order Act [430 ILCS 67].

"Purchaser" means any person who is buying or receiving firearms or firearms ammunition as part of a sale or transfer.

"Seller" means any person who is selling or transferring firearms or firearms ammunition as part of a sale or transfer.

"Transfer" means the permanent relinquishment of ownership of a firearm to another person regardless of whether consideration or money is received by the seller.

"Unlawful Drug Use" shall mean any unlawful use of or addiction to any controlled substance pursuant to 18 U.S.C. 922(d)(3) and (g)(3).

"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1230.15 Definitions for Section 1230.75

For purposes of Section 1230.75, these additional terms shall have the following meanings:

"Appeal" means a plea for the appropriate circuit court in Illinois to review the basis for the denial of a FOID application or revocation of a FOID Card that is within their jurisdiction.

"Board" means the Firearms Owner's Identification Card Review Board.

"Firearms prohibitor" means one of the grounds for denial and revocation under Section 8 of the Firearms Owner's Identification Card Act [430 ILCS 65/8].

"Record challenge" means a plea for the ISP to review the record serving as the basis for the denial of a FOID Application or revocation of a FOID Card to determine whether the decision was made in error.

"Request for relief" means a plea for the Department to review the denial of a FOID Application or revocation of a FOID Card that is within the jurisdiction of the Department and grant relief from the relevant firearms prohibitor.

(Source: Added at 47 Ill. Reg. _____, effective _____)

Section 1230.70 Record Challenge~~Request for Relief and Appeals~~

Any person who wishes to challenge the record serving as the basis for the denial of a FOID Card application or revocation or suspension of a FOID Card as provided in Section 10(a-10) of the Act~~file a request for relief or an appeal because their FOID application was denied or their FOID Card was suspended or revoked~~ must first submit a Request for FOID Investigation, Relief, and Reinstatement of Rights form, which is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after the date appearing on the FOID Card application denial notice or a FOID Card revocation notice.~~The following additional requirements apply depending upon the type of request for relief or appeal filed:~~

a) ~~Commitment to a Mental Health Facility; Expedited Relief Law Enforcement Officers~~

~~1) Law enforcement officers who wish to request expedited relief from the Department shall submit an Affidavit for Law Enforcement Expedited Relief, which is available on the Department's Website, within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process. The affidavit requires that the officer certify that he or she meets the requirements of Section 10(c-5) of the Act for expedited relief.~~

- 216
 - 217
 - 218
 - 219
 - 220
 - 221
 - 222
 - 223
 - 224
 - 225
 - 226
 - 227
 - 228
 - 229
 - 230
 - 231
 - 232
 - 233
 - 234
 - 235
 - 236
 - 237
 - 238
 - 239
 - 240
 - 241
 - 242
 - 243
 - 244
 - 245
 - 246
 - 247
 - 248
 - 249
 - 250
 - 251
 - 252
 - 253
 - 254
 - 255
 - 256
 - 257
 - 258
- 2) ~~Pursuant to Section 10(c-5) of the Act, the petitioner must provide to the Department the following documentation:~~
- A) ~~all information set forth on the Law Enforcement Expedited Requirements Checklist that is available on the Department's Website; and~~
- B) ~~any other reasonable documentation requested by the Department related to the determination for granting relief.~~
- 3) ~~If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Director shall grant relief (Section 10(f) of the Act).~~
- b) ~~Commitment to a Mental Health Facility and Clear and Present Danger Designations within the past five years; Relief from Section 8(e), voluntary admissions within the past five years; or from Section 8(f), clear and present danger designations within the past five years.~~
- 1) ~~An individual whose application for a FOID Card is denied or whose FOID Card is revoked for a commitment to a mental health facility within the preceding five years may petition the Department for relief.~~
- 2) ~~Individuals who wish to request relief from the Department shall provide written notice of this intention to the Office of Firearms Safety within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process.~~
- 3) ~~The petitioner must provide to the Department the following documentation:~~
- A) ~~All information set forth on the Mental Health Admission Less Than 5 Year Prohibitor Requirements Checklist that is available on the Department's website;~~
- B) ~~any other reasonable documentation requested by the Department related to the determination for granting relief.~~
- 4) ~~If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Director or~~

his or her designee may ~~grant relief~~. (Section 10(a) of the Act)

e) ~~Felony Convictions; Relief from Section 8(e)~~

- 1) ~~An individual whose application for a FOID Card is denied or whose FOID Card is revoked (Section 10(a) of the Act) because of a felony conviction may petition the Department for relief unless the appeal must be directed to the circuit court in the county of the individual's residence pursuant to Section 10(a) of the Act.~~
- 2) ~~Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the relief process.~~
- 3) ~~The petitioner must provide to the Department the following documentation:~~
 - A) ~~All information set forth on the Felony Prohibitor Requirements Checklist that is available on the Department's website; and~~
 - B) ~~any other reasonable documentation requested by the Department related to the determination for granting relief.~~
- 4) ~~If the Director is satisfied that the appellant meets the standard set forth in Section 10(e) of the Act, the Director or the Director's designee may grant relief.~~

ad) ~~Record Challenges~~ Other Denials or Revocation; Appeals—Individuals who wish to challenge the record upon which the decision to deny or revoke was based as provided in Section 10(a-10) of the Act shall provide written notice to the Office of Firearms Safety within 60 days after receipt of the notice that their FOID application is denied or their FOID Card is revoked to begin the appeal process.

- 1) The ~~record challenger~~ appellant must provide the Department with all information requested pursuant to the FOID Records Challenge Requirements/Checklist ~~appropriate Firearms Safety Checklist that are~~ available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>; ~~and~~
- 2) any other reasonable documentation requested by the Department related to the determination of the record challenge ~~appeal~~.
- 3) Documentation should be submitted to:

Illinois State Police
Office of Firearms Safety
801 South 7th Street, Suite 600-S
Springfield, IL 62703

or via e-mail to:
ISP.FOID.Appeals@illinois.gov and

43) Upon receiving complete documentation for the record challenge~~appeal~~, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that the record challenger~~appellant~~ ~~does not meet one of the grounds for denial and revocation under~~ Section 8 of the Firearms Owners Identification Card Act~~is not prohibited~~, ~~then~~ the Director or the Director's designee ~~will~~may approve the record challenge~~appeal~~.

be) FOID Card holders or applicants~~Applicants~~ who wish to appeal the denial of a FOID Card application or the revocation of a FOID Card pursuant to Section 8(c) or 8(n) of the Act due to either a federal conviction or an out of state conviction must contact the jurisdiction of conviction for relief. The Director may not grant relief for these firearms prohibitors.

cf) The record challenge process~~request for relief and appeal processes~~ will not begin until the Department has received all the required documentation. If a record challenger~~an appellant~~ fails to provide all of the required documentation within 60 days, the record challenge~~request for relief or appeal~~ will be denied and ~~the appeal~~ closed.

dg) Once five years have passed since a voluntary mental health admission or a clear and present designation has been made, pursuant to Section 8.1(d) of the Act, the petitioner *must have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5] and received a certification that he or she is not a clear and present danger to himself or herself or others to* be eligible to receive a FOID Card. Applicants who do not have the required certification may not request relief ~~from the Director~~. The decision to deny an application serves~~their appeal shall serve~~ as a final administrative decision and shall be subject to judicial review under the provisions of the Administrative Review Law pursuant to Section 11 of the Act.

eh) Individuals with felony convictions required to seek relief before the circuit court pursuant to Section 10(a) of the Act may petition in writing the circuit court in the individual's county of ~~his or her~~ residence for a hearing unless the individual~~they~~ no longer resides~~reside~~ in Illinois. Out of State residents may petition in writing

the circuit court in the county of conviction. The Director may not grant relief for felony convictions that are within the jurisdiction of the courts pursuant to Section 10(a) of the Act, unless directed to do so by a court with appropriate jurisdiction.

i) ~~If the Director or the Director's designee does not provide relief in response to a request for relief under subsections (a) through (e), the petitioner may request an administrative hearing. The request for hearing must be in writing and sent to the Office of Firearms Safety.~~

j) ~~The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ will be disqualified upon showing of bias or conflict of interest.~~

k) ~~The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.~~

l) ~~The ALJ shall make a recommendation to the Director who shall render a final administrative decision as set forth in Section 11 of the Act.~~

f) Effective January 1, 2023, pursuant to Section 10(a-5) of the FOID Act, the Board shall consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10). The Department shall process all decisions of the Board. This shall include:

1) Sending correspondence to the FOID Card holder or applicant;

2) Updating the FOID Card holder or applicant's status within the Department's online FOID/FCCL system; and

3) Sending new or replacement FOID Cards as ordered by the Board.

gm) If the Director or the Director's designee denies a record challenge~~an appeal~~ under subsection (a~~d~~), pursuant to Section 10(a-10) of the Act, the petitioner cannot request an administrative hearing but rather, the Director shall render a final administrative decision, which ~~shall serve as a final administrative decision and~~ shall be subject to judicial review under the provisions of the Administrative Review Law pursuant to Section 11 of the Act.

hn) In the event a final administrative decision is rendered and the record challenge~~request for relief or appeal~~ is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the

last denial unless directed to do so by a court with appropriate jurisdiction.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 1230.75 Request for Relief

- a) The Department and the Board are part of the criminal justice process responsible for reviewing a FOID Card holder's or applicant's criminal history record and eligibility pursuant to Section 10(a) and 10(a-5) of the Act.
- b) Any person wishing to file a request for relief after a FOID Card application denial or FOID Card suspension or revocation must first submit a Request for FOID Investigation, Relief, and Reinstatement of Rights form to the Department, which is available on the Department's website. The following additional requirements apply depending upon the type of request for relief filed:
 - 1) Law Enforcement Officers; Expedited Relief Pursuant to Section 10(c-5) of the Act
 - A) Law enforcement officers (officers) requesting expedited relief from the Department shall submit an Affidavit for Law Enforcement Expedited Relief, which is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice to begin the relief process. The officer must use the affidavit to certify the requirements of Section 10(c-5) of the Act are met for expedited relief.
 - B) Pursuant to Section 10(c-5) of the Act, officers must provide the Department with the following documentation:
 - i) all information set forth on the Law Enforcement Expedited Requirements Checklist that is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>; and
 - ii) any other reasonable documentation requested by the Department related to the determination for granting relief.
 - C) If the officer establishes, by a preponderance of the evidence, that the officer will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public

interest, the Department shall grant relief (see Section 10(f) of the Act) from the firearms prohibitor.

2) Commitment to a Mental Health Facility and Clear and Present Danger Designations within the past five years; Relief Pursuant to Section 10(f) of the Act.

A) An individual whose application for a FOID Card is denied or whose FOID Card is revoked for a commitment to a mental health facility or being designated as a clear and present danger within the preceding five years may petition the Department for relief.

B) Individuals requesting relief from the Department shall submit a Request for FOID Investigation, Relief, and Reinstatement of Firearms Rights, which is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice to begin the relief process.

C) The individual must provide the Department with the following documentation:

i) All information set forth on the Mental Health Admission or Clear and Present Danger Less Than 5 Year Prohibitor Requirements Checklist that is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>;

ii) any other reasonable documentation requested by the Department related to the determination for granting relief.

D) If the individual establishes, by a preponderance of the evidence, that the individual will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, then the Department or its designee shall grant relief from the relevant firearms prohibitor. (See Section 10(a) of the Act).

3) Felony Convictions; Relief Pursuant to Section 10(a) or 10(c) of the Act.

A) An individual whose application for a FOID Card is denied or whose FOID Card is revoked because of a felony conviction may petition the Department for relief unless the appeal must be

directed to the circuit court in the county of the individual's residence pursuant to Section 10(a) of the Act.

B) Individuals requesting relief from the Department shall submit a Request for FOID Investigation, Relief, and Reinstatement of Firearms Rights, which is available on the Department's website <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice to begin the relief process.

C) The individual must provide the Department with the following documentation:

i) All information set forth on the Felony Prohibitor Requirements Checklist that is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>; and

ii) any other reasonable documentation requested by the Department related to the determination for granting relief.

D) If the individual meets the standard set forth in Section 10(c) of the Act, the Department or its designee shall grant relief from the relevant firearms prohibitor.

4) The request for relief process will not begin until the Department has received all the required documentation. If an individual fails to provide all of the required documentation within 60 days after receipt of the notice of FOID Card denial or FOID Card revocation, the request for relief will be denied and the case will be closed.

c) Effective January 1, 2023, pursuant to Section 10(a-5) of the FOID Act, the Board shall *consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10) of the Act.*

d) In the event a final administrative decision is rendered and the individual's request for relief is denied, a new application from the individual will not be accepted until two years have passed since the date of the last denial unless directed to do so by a court with appropriate jurisdiction.

(Source: Added at 47 Ill. Reg. _____, effective _____)